

The Chairman, Christopher Fejes called the meeting to order at 7:30 P.M., on Tuesday, January 15, 2002.

PRESENT: Kenneth Courtney
Christopher Fejes
Marcia Gies
Michael Hutson
Matthew Kovacs
Mark Maxwell
Walter Storrs

Also Present: Mark Stimac
Bob Davisson
Pam Pasternak

ITEM #1 – APPROVAL OF MINUTES OF MEETING OF DECEMBER 18, 2001

Motion by Courtney
Supported by Hutson

MOVED, to approve the minutes of the meeting of December 18, 2001 as written.

Yeas: 7 – All

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – RENEWAL REQUESTED. SIEMENS AUTOMOTIVE, 4685 INVESTMENT DR., for relief of the Zoning Ordinance to maintain a 3'6" high landscaped berm along the west side of 4685 Investment, where a 6' high decorative masonry screen wall is required.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board for relief to maintain a 3'6" high landscaped berm along the west side of the site where a 6' high decorative masonry screen wall is required. This item last appeared before the Board at the meeting of December 2000 and was granted a one (1) year variance to allow the petitioner to add additional plantings and to allow the residents to determine if the additional plantings would provide the extra screening requested. The Building Department has received notice from the Parks and Recreation Department stating that they feel that the extra plantings far exceed the requirements of the residents. To date, conditions remain the same and there are no complaints or objections on file.

This item first appeared before the Board at the meeting of December 18, 2001, and was postponed until the meeting of January 15, 2002, to allow the petitioner the opportunity to be present.

Mr. Gary Carl, of Siemens Automotive was present and stated that they had worked very closely with the Parks and Recreation Department as well as the neighbors in the area to create the type of screening the residents wished.

ITEM #2 – con't.

Mr. Maxwell expressed concern over the fact that he thought there should be additional screening at the west end of the property in line with the driveway. Mr. Carl explained that in working with the residents they had wanted smaller plant materials that would provide some color to the landscaping.

Motion by Maxwell
Supported by Gies

MOVED, to grant Siemens Automotive, 4685 Investment Drive, a one-year (1) renewal of their variance for relief to maintain a 3'6" high landscaped berm along the west side of the site where a 6' high decorative masonry screen wall is required.

- Petitioner will look at the site to determine if extra plantings are needed on the west end of the property in line with the driveway.
- Petitioner and the Building Department will determine if residents are satisfied with the plantings provided.

Yeas: All – 7

MOTION TO GRANT VARIANCE FOR ONE-YEAR (1) YEAR CARRIED

ITEM #3 – VARIANCE REQUESTED. MR. & MRS. THOMAS GORMAN, 3811 EASTBOURNE, for relief of the rear yard setback to construct a master bedroom addition.

Mr. Stimac explained that the petitioners are requesting relief of the Zoning Ordinance regarding the rear yard setback to construct an addition to their home. The site plan submitted indicates that the proposed master bedroom addition would result in a 30.19' rear yard setback. Section 30.10.02 of the Zoning Ordinance requires a 45' minimum rear yard setback in the R-1B Zoning District.

This item first appeared before this Board at the meeting of December 18, 2001 and was postponed until the meeting of January 15, 2002 to allow the petitioners the opportunity to determine what other options are available and to explore the possibility of adding on to his home on the north side of the property.

New plans have now been submitted to the Building Department. The new plans reduce the depth of the addition to 13.5 feet to the back wall and 15.5 feet to the fireplace. This revises the request for variance to a request for a 36.69' rear yard where 45' is required. Since the original public hearing notices advertised a 30.19' rear yard no additional notices would be required.

Mr. Kevin Hart, Architect for the petitioner and Mr. Thomas Gorman were present. Mr. Hart explained that they had significantly reduced the size of the variance request and

ITEM #3 – con't.

explained that they could not build the addition on the north side of the home and maintain a practical layout with relation to the other bedrooms and could not construct it on the south side of the home due to the landmark trees that are located on that side of the property.

Mr. Gorman explained that his home is small and his family would definitely enjoy the convenience of a second full bath, both for privacy for family members, as well as the convenience when they have visitors.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are four (4) written approvals on file. There are no written objections on file.

Motion by Kovacs
Supported by Maxwell

MOVED, to grant Mr. & Mrs. Thomas Gorman, 3811 Eastbourne relief of the rear yard setback to construct an addition to their home, which will result with a 36.69' rear yard setback where 45' is required.

- Conforming is unnecessarily burdensome.
- Variance does not permit the establishment of a prohibited use with the zoning district.
- Variance does not cause an adverse effect to properties in the immediate vicinity or zoning district.

Yeas: 5 – Kovacs, Maxwell, Storrs, Fejes, Gies
Nays: 2 – Hutson, Courtney

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUESTED. MR. JOHN ALEXANDER, 2629 CREEKBEND,
for relief of the front yard setback to construct a den addition.

Mr. Stimac explained that the petitioner is requesting relief of the front yard setback to construct a den addition. This property is located at the cul-de-sac at the end of Creekbend. The property is located in a subdivision that utilized the Open Space Option as part of its design. As such the lots are slightly smaller and the setbacks are reduced from the standard R-1A Zoning requirements. The site plan submitted indicates construction of a den addition with a proposed front setback of 31'-1" to the front corner of the addition. Section 34.20.03 requires a 35' minimum front yard setback in this R-1A – open space subdivision.

ITEM #4 – con't.

Mr. Thomas Strat, Architect for the petitioner, and Mr. John Alexander were present. Mr. Strat explained that due to the configuration of this property this home sits on a cul-de-sac and this prohibits construction of an addition in another area. Mr. Strat went on to say that Mr. Alexander has put in a considerable amount of landscaping, and the addition would be concealed from the other residents.

Mr. Maxwell asked how much of the foot print of the addition would intrude into the setback and Mr. Stimac estimated that an extremely small portion of the addition, a triangle approximately 4 feet by 12 feet, would actually encroach into the setback.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one written approval on file. There are no written objections on file.

Motion by Maxwell
Supported by Gies

MOVED, to grant Mr. John Alexander 2629 Creekbend, relief of the front yard setback to construct a den addition, which will result in a front yard setback of 31'-1" where 35' is required.

- Configuration of lot creates a hardship for petitioner.
- Variance involves only a small portion of the addition.
- Variance will not cause an adverse effect on surrounding property.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – VARIANCE REQUESTED. DAVID DONNELLON, REPRESENTING Mr. VINCE PASSALACQUA, 1477 JOHN R., for relief of the front yard setback to construct an outdoor dining area.

Mr. Stimac explained that the petitioner is requesting relief of Section 22.30.06 to construct structures for the outdoor dining area with a front yard setback of 14' where a 40' front yard setback is required by Section 30.20.06. The petitioner is proposing to construct an outdoor dining area in front of an existing restaurant. The dining area includes a covered pavilion, gazebos and an enclosure wall around the dining area. Section 22.30.06 of the Zoning Ordinance requires that structures, built as part of an outdoor dining area, comply with the setback requirements of the district in which they are located. Section 30.20.06 requires a 40' front setback in the B-3 (General Business) Zoning District. The proposed structures are located within 14' of the front property line.

ITEM #5 – con't.

Mr. Stimac further explained that the petitioner is also requesting relief of Paragraph L of Section 31.30.00 at 1419 John R., to have parking within 46' of the front property line where a 50' front yard, free of parking, is required. The petitioner applied for and received approval from City Council to have some of his required parking on the adjacent, industrially zoned, parcel to the south. In order to implement this required parking the petitioner needs to expand the parking lot. This expansion of the parking lot will result in the parking lot being located 46' from the front property line along John R. Paragraph L of Section 31.30.00 of the Zoning Ordinance requires that the 50' front yard setback required in the M-1 (Light Industrial) Zoning District be kept free of parking and maneuvering lanes.

Mr. David Donnellon, representing Vince Passalacqua was present and stated that the existing building is setback 45' from John R. Mr. Donnellon went on to say that this building was built back in the 1960s, and did not understand why the original owner set it back that far from the road. Mr. Donnellon explained that the petitioner wishes to expand this restaurant, to bring it in line with other locations that he owns, and wants to make it more attractive to customers. Mr. Donnellson also explained that a wall will surround the outdoor dining and that the "gazebos" in each corner, are not permanent structures, but would only be covered dining areas.

Mr. Storrs asked Mr. Donnellon about the circular structure depicted on his drawings, and whether or not it would be enclosed. Mr. Donnellon stated that this structure was considered "open air dining". Mr. Storrs also asked if a variance would be required, if the corner structures, were not going to be added. Mr. Stimac stated that the reason the variance was required, was because the structures had a roof and were therefore required to comply with the setbacks.

Mr. Maxwell asked about the City's plans for the future right of way, and Mr. Stimac stated that according the Master Land Use Plan, the future right of way would be 75' each side, and eventually John R. would have a boulevard, which would be extended from its current location to just south of Maple Road. Mr. Maxwell then asked about the use of the adjacent property for parking and Mr. Donnellon stated that they have a perpetual lease with the owners of this property, as long as the area is maintained and a nominal fee is paid.

Mr. Kovacs asked how close the structures would be to John R., and Mr. Stimac explained that at this point it was difficult to say, but believes that typically a boulevard thoroughfare is approximately 85' in width; which would leave about 25' to 30' of land between the sidewalk and the curb on each side. Mr. Stimac went on to say that if approved as proposed these structures would be approximately 39' to 45' from the paved portion of the road.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

ITEM 5 – con't.

There are no written responses on file.

Motion by Courtney

Supported by Gies

MOVED, to grant David Donnellon, representing Vice Passalacqua, 1477 John R., relief of Section 22.30.06 to construct structures for the outdoor dining area with a front yard setback of 14' where a 40' front yard setback is required by Section 30.20.06 and relief of Paragraph L of Section 30.30.00 at 1419 John R. to have parking within 46' of the front property line where a 50' front yard, free of parking, is required.

- Structures and wall be designed only as depicted in drawings submitted by petitioner.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.
- Conformance is unnecessarily burdensome.

Yeas: 6 – Maxwell, Storrs, Courtney, Fejes, Gies, Kovacs

Nays: 1 – Hutson

MOTION TO GRANT VARIANCES CARRIED

Mr. Storrs stated that his tenure on the Board of Zoning Appeals had ended, and Ms. Cynthia Pennington, had been appointed by City Council to replace him. Mr. Storrs went on to say that he thoroughly enjoyed being a part of this Board.

The Board of Zoning Appeals meeting adjourned at 8:28 P.M.

MS/pp